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June 10, 2009

22524/0

Honorable Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423-0001

Re: STB Docket No. AB-290 (Sub. No. 290X), Norfolk Southern Railway
Company – Abandonment – in Toledo, Lucas County, OH –
Notice of Consummation Status

Dear Ms. Quinlan:

This refers to the STB's decisions served June 27, 2008 and July 28, 2008, which exempted Norfolk Southern Railway Company's (NSR) abandonment of the line of railroad between mileposts TW 0.00 and TW 2.82 in Toledo, Lucas County, Ohio from the prior approval requirements of 49 U.S.C. 10903.

The Board's June 27, 2008 order provided: "Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by June 27, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire."

In the order dated July 28, 2009, the Board imposed two environmental conditions and a Section 106 historic condition.

NSR has not satisfied the environmental and historic conditions imposed and since the one-year consummation date is near, in order to provide that the record in this proceeding is clear, NSR wishes to advise the Board that regulatory barriers to consummation exist. Thus, NSR will not file a notice of consummation until after the satisfaction, expiration or removal of all regulatory barriers in this case.

Yours very truly,

ENTERED
Office of Proceedings

JRP:kch

JUN 15 2009

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Public Record

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